

United States Bankruptcy Court Western District of North Carolina



Office Hours & Locations

All offices are open Monday-Friday and closed Saturday, Sunday and on Federal Holidays.

All offices are open 8:30 a.m. to 4:30 p.m.

Web Address: www.ncwb.uscourts.gov

Charlotte Office (704) 350-7500

Site Address

401 W. Trade St., Room 111, Charlotte, NC 28202

Mailing Address

P. O. Box 34189, Charlotte, NC 28234-4189

Asheville Office (828) 771-7300

Closed for lunch 12:30 p.m. to 1:30 p.m.

Site and Mailing Address

100 Otis Street, Room 112, Asheville, NC 28801

GUIDELINES AND REQUIREMENTS TO ASSIST PRO SE DEBTORS

PRO SE: This information is intended to answer common questions from pro se debtors and is not to be interpreted as legal advice. If you are representing yourself without the benefit of an attorney, you are known as a **PRO SE LITIGANT**. "Pro se" is a Latin term meaning "for yourself". Bankruptcy can be complicated; and the Court recommends that you retain an attorney. Pro se litigants and all parties are expected to follow and abide by the rules that govern the practice of law in the Federal Courts and you must comply with the United States Bankruptcy Code, Federal Rules of Bankruptcy Procedures, Local Rules of this Court, and Court Procedures. Failure to do so will result in dismissal of the case or other sanctions. This information is subject to change without notice.

FORMS: The U.S. Bankruptcy Court Clerk's office does not supply the official forms required for filing bankruptcy. However, they may be downloaded from the Court's website at http://www.uscourts.gov/bkforms/bankruptcy_forms.html. Forms may also be purchased from an office supply store. **Current forms must be used.**

MAILING LIST: Debtors are required to submit a mailing list of creditors. The mailing list must be filed with the Petition. Instructions and guidelines can be obtained at the Court's website at <http://www.ncwb.uscourts.gov/cgi-bin/credmatrix/credmatrix.pl> or in the Clerk's office.

LEGAL ADVICE: The employees of the Clerk's office, the Office of the Bankruptcy Administrator, and the Judges' staff are not permitted to give legal advice or recommend a particular attorney. Neither are they permitted to assist with the preparation of petitions, schedules, or other documents. The local library has law books that may be of assistance. The Local Rules for the Western District of North Carolina are available in the Clerk's Office for review or at the Court's website at http://www.ncwb.uscourts.gov/pdf/LR_web.pdf.

CONTACTING THE JUDGES: You are prohibited from contacting a judge. Federal Bankruptcy Rule 9003 prohibits parties from "ex parte" meetings or communications with the Court concerning matters affecting any particular case or proceeding. "Ex parte" means from one party, without notice to or argument by any person adversely interested. For example, a telephone call directly to the judge would be a prohibited ex-parte contact. Similarly, a letter to the judge, without copies to opposing parties, would be a prohibited ex-parte contact.

TRUSTEES: If a trustee is assigned, the trustee **cannot** give legal advice to the debtor or the creditors. In every chapter 7, 12, and 13 case a trustee is appointed when the Petition is filed. The trustee does not represent the debtor or any individual creditor. Rather, the trustee has independent rights and duties that are set forth in Bankruptcy Code sections 323, 327, 341, 343, 345, 363, 364, 365, 704 (Chapter 7 cases), 1202 (Chapter 12 cases) and 1302 (Chapter 13 cases).

BANKRUPTCY ADMINISTRATOR: The Office of the Bankruptcy Administrator oversees the administration of the bankruptcy laws on behalf of the Attorney General of the United States. The Bankruptcy Administrator has standing to raise any issue and to be heard in any case under the Bankruptcy Code. Among the Bankruptcy Administrator's duties are selecting and supervising the panel of case trustees, monitoring the progress of Chapter 11 reorganization proceedings, monitoring applications for compensation, and notifying the United States Attorney of suspected bankruptcy crimes. See 28 U.S.C. § 586.

LEGAL REFERRAL: The telephone number for the North Carolina legal referral service is 1-800-662-7660.

CREDIT REPORTING AGENCIES: The U.S. Bankruptcy Court Clerk's office is not responsible for credit reports. Bankruptcy records are public records, and the information in them can be retrieved by anyone, including credit reporting agencies. Any dispute with a credit agency must be resolved with that agency.

COURT DOCUMENTS: It is advisable to keep copies of pertinent documents including, but not limited to, the Petition, Schedules, Order of Discharge and, if applicable, Order of Dismissal.

PAYMENT OF FILING FEES: The Clerk's Office accepts cash, money orders, cashier's checks; and traveler's checks only. Cash must always be in the exact amount due; the Clerk's office does not make change.

SIGNATURES: If you are a debtor, your signature on the Petition, statements, and schedules constitutes an oath that the information contained therein is accurate and complete. The Bankruptcy Code provides serious penalties for false statements. See 11 U.S.C. § 727(a)(4)(A) for example, which denies a discharge for making false oaths. Title 18 of the United States Code (Crimes and Criminal Procedure) § 152 also makes it a crime to knowingly and fraudulently conceal property, make a false oath or account, or make a false declaration or verification. If you are a creditor, 18 U.S.C. § 152 makes it a crime to knowingly and fraudulently present a false claim. For both debtors and creditors, Bankruptcy Rule 9011 states that for any pleading presented to the Court (whether by signing, filing, submitting, or later advocating) the party is certifying to the Court that it is not being presented for an improper purpose (e.g., delay or harassment) and that the pleading is legally warranted and factually supported. Rule 9011 authorizes sanctions for its violation.

FILING FEE INSTALLMENTS: The filing fee may be paid in installments. The number of installments shall not exceed four, and the final installment must be paid within 120 days of the filing of the Petition. Official Bankruptcy Form B 3A – Application and Order to Pay Filing Fee in Installments - must be filed with the Petition and approved by the Court. This form is located on the Court's website at http://www.uscourts.gov/bkforms/bankruptcy_forms.html. The Administrative Office of the U. S. Courts increases filing fees periodically. All current fees are listed at the Court's website at <http://www.ncwb.uscourts.gov/financial/fees08.html>. Failure to pay your installment payments timely may result in dismissal of your case without further notice or hearing pursuant to Local Rule 1006-1.

CREDIT COUNSELING: Pursuant to 11 USC §109 (h), Credit Counseling must be obtained within 180 days before the date of filing of the petition. Subdivision(b)(3) of the rule is amended to require the debtor to file an official form Exhibit D to the Vol. Petition relating to the credit counseling requirement. The certificate of credit counseling, or an appropriate motion, must be filed with the Court within 15 days after the filing of the petition. A list of authorized Credit Counseling Agencies can be obtained from the Court's website at <http://www.ncwb.uscourts.gov/reformact/ccounsel.html> or in the Clerk's office.

FINANCIAL MANAGEMENT (Chapter 7): If you have filed a Chapter 7 Petition, you must complete a course in personal financial management and file your certification with the Court within 45 days of the first date set for the Meeting of Creditors, or your case will be closed without a discharge. A list of authorized agencies offering Financial Management Courses can be obtained from the Court's website at <http://www.ncwb.uscourts.gov/reformact/ccounsel.html> or in the Clerk's office. See Interim Federal Bankruptcy Rules 1007(b)(7) & 1007(c).

FINANCIAL MANAGEMENT (Chapter 13): If you have filed a Chapter 13 Petition, you must complete a course in personal financial management and file your certification with the Court no later than the last payment made as required by the plan or the filing of a motion for entry of discharge under § 1328(b), or your case will be closed without a discharge. A list of authorized agencies offering Financial Management Courses can be obtained from the Court's website at <http://www.ncwb.uscourts.gov/reformact/ccounsel.html> or in the Clerk's office. See Interim Federal Bankruptcy Rules 1007(b) & 1007(c).

MANDATORY LEGAL REPRESENTATION: Other than filing a proof of claim in a case or attending and participating at a § 341 meeting of creditors, a corporation or partnership must be represented by an attorney authorized to practice in the Bankruptcy Court. See Local Bankruptcy Rule 2090-1.

MINIMUM REQUIREMENTS: The minimum requirements to initiate a Chapter 7 or Chapter 13 bankruptcy case are found in Official Form B 200 and are designated by the statement "Must be filed **WITH** the petition." You may access this form from the Court's website at http://www.uscourts.gov/bkforms/bankruptcy_forms.html or in the Clerk's office.

Mailing List – Instructions and Guidelines

Debtors are required to submit a mailing list of creditors. The mailing list **must be filed with the Petition.**

The following guidelines must be complied with:

1. Lists should be typed in a single column.
2. Each name and address must consist of no more than five (5) single-spaced lines, with a least one blank line between each of the name/address blocks. Example:

Stephen R. Miller III
Coal Building
1092 17th Street, NW
Baltimore, MD 20207

3. Zip codes must be located on the same line as the city and state. This **MUST** be the last line of each name/address block. See sample above.
4. Nine-digit zip codes should be typed with a hyphen separating the two groups of digits. Example: 28234-4189.
5. All states must be two-letter abbreviations. Example: correct = CA; incorrect = Cal., Calif., California.
6. Entities with more than one address may be listed as many times as necessary to ensure proper notice.
7. Do NOT include the following entities, since they will be added by the Clerk's office: the debtor, the joint debtor, the attorney for the debtor(s), the Bankruptcy Administrator, and the case trustee.
8. Do NOT type "attention" lines or account numbers on the last line. If needed, this information must be placed on the second line of the name/address block. Account numbers may not exceed fifteen (15) digits. Examples:

General Welding Supply Co.
Attn: Steve Jaminson
Lake Success Plaza
One Hollow Lane
Lake Success, NY 11042-5182

Maury's Jewelers
Acct No. 18-862-533-1364
P O Box 34189
Dallas TX 75265-0534

9. Do NOT use a header or footer to identify your case. Type this information on the back of the mailing list, not the front.